Single Bench

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 263 OF 2005

PETITIONER:

Bansidhar Sadangi, aged about 80 years, son of Late Neelkanth Sadangi, occupation-cultivation, resident of – Gourishankar Mandir Road, village Kauhakunda, Tahsil & District – Raigarh (Chhattisgarh)

- Versus -

RESPONDENTS:

1. State of Chhattisgarh, through : the Secretary, Department of Revenue, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. The Collector, Raigarh – *Cum* – Ex-Officio, Secretary of Government of Chhattisgarh, Department of Revenue, Post Office and Tahsil – Raigarh (Chhattisgarh)

3. The Executive Engineer, Chhattisgarh Grih Nirman Mandal, Pariyojna Sambhag, Raigarh (Chhattisgarh)

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WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA

IC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

81

आदेश पत्रक

मामला क्रमांक W.P.No. 263/05 **सन्** 200

..... **विरुद्ध** .....

देश का क आदेश क सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11/12/2006

Shri Amrito Das, learned counsel for the petitioner.

Shri Sanjay S. Agrawal, Govt. Advocate for the respondents No. 1 and 2/State.

Shri Sanjay Patel, counsel for respondent No.3.

Heard.

Collector, Raigarh, issued public notification dated 10/12/2004 pertaining to land acquisition case No.01/A-82 year 2004-2005 in accordance with Section 4 (i) of the Land Acquisition Act, 1894 (henceforth, "the Act"). The said notification has been challenged by the petitioner on the ground that the notification has not been issued in accordance with requirement of Section 4 of the Act and the acquisition proceeding is void being in violation of the provisions of Chhattisgarh Grih Nirman Mandal Adhiniyam, 1972.

On perusal of the said notification, it is manifest that it fulfills all the requirements of Section 4 of the Act. Petitioner, if interested, has right to make objections in accordance with Section 5-A of the Act. Admittedly, petitioner has filed his objections before the competent authority which are pending for hearing and disposal, but without waiting for the result of his objections, petitioner has rushed up asking this Court to step in under Article 226 of the Constitution of India.

In my opinion when there is specific provision in connection with acquisition of land, petitioner must exhaust his remedy before appropriate forum and thereafter only, if exigency, arises should approach constitutional courts.

With the aforesaid observation, the writ petition is disposed of.

Sd//-
V.K.Shrivastava
Judge